

REMARKS

Claims 1-6, 9-11, 13-16, 19-23, 25, 26, 28-32, and 41-48 remain in the application for further prosecution. Claims 11, 14, 41, 42, 43, and 45 have been amended. Claims 46-48 have been added.

Claim Rejection 35 U.S.C. § 102 and § 103

Claims 14-16, 19, 41-43 and 45 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 6,227,859 (“Sutter”).

Claims 41-45 are rejected under 35 U.S.C. 102(b) as being anticipated by U.S. Patent No. 5,782,918 (“Klardie”).

Claims 11 and 13 are rejected under 35 U.S.C. 103(a) as being unpatentable over U.S. Patent No. 6,227,859 (“Sutter”) in view of U.S. Patent No. 6,726,481 (“Zickmann et al.”) and U.S. Patent No. 6,394,809 (“Rogers et al.”).

Claim 11

While the Applicants do not agree with the position of the Office Action that the three-reference combination of Sutter, Zickman, and Rogers renders former claim 11 obvious, claim 11 has been amended to place it into a condition for allowance by including that the first internal anti-rotational feature and the second internal anti-rotational feature both have a non-round cross-sections. None of the prior art teaches two internal anti-rotational features have a non-round-cross section.

With regard to Zickman’s implant, it specifically teaches an externally tapered surface for locking engagement with a corresponding taper on an abutment. Zickman teaches such an external taper for numerous reasons, as set forth in Column 7, lines 7-42. Hence, not only does Zickman fail to disclose such a system, but Zickman specifically teaches away from (i) the use of internal anti-rotation features in an implant, and (ii) the use of two non-round cross-sectional features for the anti-rotational features because Zickman desires the locking taper mechanism and its alleged advantages. Hence, the skilled artisan would never modify Zickman to arrive at the present invention of claim 11. As such, independent claim 11 and its dependent claims are believed to be allowable over the art of record.

Claim 14

Claim 14 has been amended to locate the intermediate wall section between the non-round section and the plurality of resilient fingers. The general subject matter of this amendment was set forth previously in dependent claim 44 (which depended on claim 41), which was not subject to a rejection based on Sutter. The Applicants agree that Sutter fails to disclose such a feature because the non-round section in Sutter is located at the bottom of the stem with the plurality of fingers. Hence, it is believed that amended claim 14 and its dependent claims are now allowable.

Claim 41

Claim 41 has now been amended to include the subject matter of dependent claim 44, which was not rejected based on Sutter. Hence, amended claim 41 is believed to be allowable over Sutter for this reason.

Further, claim 41 now positively calls out the abutment screw to be in combination with the abutment. The axial retention screw engages the interior bore of the implant in claim 41. Klardie specifically teaches against the use of an axial retention screw that threadably engages the implant, as set forth in Klardie's Column 1, lines 17-37 and Column 2, lines 25-46. Hence, it is believed that claim 41 and its dependent claims are allowable over the prior art.

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CONCLUSION

In summary, the pending claims are patentable over the prior art and action towards that end is respectfully requested.

If any matters may be resolved or clarified through a telephone interview, the Examiner is respectfully requested to contact the Applicants' undersigned attorney at the number shown.

Respectfully submitted,



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